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FEB 11 2000

IN THE UNITED STATES DISTRICT COURT

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U.S. DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

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BEAUMONT DIVISION

TX EASTERN-BEAUMONT

ARTHUR X. CARSON

§

BY

VS.

§

CIVIL ACTION NO. 1:94cv713

TIM WEST, ET AL

§

ORDER

The court previously entered a Final Judgment dismissing this lawsuit pursuant to Federal Rule of Civil Procedure 41(a). This action was taken at plaintiff's request.

On April 23, 1997, prior to the entry of the Final Judgment, the court entered an order informing plaintiff of his obligations under the Prison Litigation Reform Act and directing plaintiff to pay an initial partial filing fee. On June 3, 1998, the court, acting at plaintiff's request, entered an order directing the Texas Department of Criminal Justice, Institutional Division ("TDCJ-ID") to immediately release any holds placed on plaintiff's inmate trust fund account arising from this lawsuit and to make no further withdrawals from his inmate account based upon this lawsuit.

Plaintiff has filed a motion (doc. no. 77) in which he again asks the court to direct TDCJ-ID to release the hold placed on his inmate trust account. He has also filed a motion (doc. no. 76) asking that TDCJ-ID be held in contempt for failing to comply with the court's prior order. Plaintiff has provided the court with a copy of his Inmate Trust Fund Account Data Sheet which indicates TDCJ-ID has failed to remove the hold on his account.

In view of the court's earlier order, plaintiff's motion asking that the hold previously placed on his inmate trust fund account be lifted is meritorious. It is therefore

**ORDERED** that the motion is **GRANTED**. TDCJ-ID is DIRECTED to immediately release the hold placed on plaintiff's inmate trust account as a result of this lawsuit and to refund to plaintiff any funds collected from the plaintiff's trust fund as a result of this lawsuit. No further withdrawals from plaintiff's trust fund shall be made with respect to this lawsuit. Copies of this Order shall be mailed to: (a) TDCJ-ID Litigation Support Program, Attention: Program Specialist, P.O. Box 13084 Capital Station, Austin, Texas 78711 and (2) TDCJ-ID Local Funds Division, Attention: Riley Tilley, Assistant Director, P.O. Box 629, Huntsville, Texas 77342-0629. As it does not appear that TDCJ-ID's failure to comply with the court's prior order was willful, the motion asking that TDCJ-ID be held in contempt is **DENIED**.

It is further **ORDERED** that the Office of the Attorney General shall, within 60 days of the date set forth below, inform the court and plaintiff as to whether TDCJ-ID has complied with this Order. The Clerk of Court shall provide a copy of this Order to Andy Taylor, First Assistant Attorney General.

**SIGNED** this 10 day of February, 2000.

  
WENDELL C. RADFORD  
UNITED STATES MAGISTRATE JUDGE